

10. (Twice Amended) An implantable pacemaker comprising:

a cardiac sensor that senses intrinsic cardiac activity in a patient's heart and generating sensed signals;

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a pacing generator that generates pacing pulses in response to commands;

a respiration sensor that senses a respiration of said patient and generates corresponding respiration signals; and

a controller receiving said sensed and respiration signals and generating in response said commands;

wherein said controller generates said commands for pacing said heart at a base pacing parameter, said pacemaker further comprising a rate adjusting circuit that adjusts said commands cyclically in accordance with said respiration signal to pace said heart at an adjusted rate from said base rate, said adjusted rate [being dependent on] following said respiration signal.

Amend claim 25 as follows:

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25. (Twice Amended) The pacemaker of claim 24 ²² wherein said metabolic detector is arranged and constructed to detect [detects] minute volume as said metabolic parameter.

In claim 35, line 1 change "adjuring" to --adjusting--.

Amend claim 37 as follows:

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37 (Amended) The pacemaker of claim 36 wherein said adjusting circuit is adapted to
modify [modifies] the level of adjustment of said rate based on said fitness level.

Amend claim 38 as follows:

36 38. (Twice Amended) A method of controlling the pacing rate of a pacemaker
implanted in a patient, said method comprising the steps of:

generating a base pacing parameter for said pacemaker;
detecting a respiration for the patient;
adjusting said base pacing parameter by increasing and decreasing said base
pacing parameter in synchronism and cyclically with said respiration to derive an
adjusted pacing parameter which follows said respiration; and
generating pacing commands in accordance with said adjusted pacing
parameter.

REMARKS

Reconsideration of the subject application as amended herein is respectfully
requested. The Examiner's detailed objections to the claims are appreciated. The
claims have been reviewed and amended in response. If the Examiner believes that
further changes are necessary he is cordially invited to contact the undersigned for an
expeditious resolution.

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